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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/612,869	07/10/2000	Giancarlo Granata	FMCV0113PUS/199-1623	9855

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EXAMINER

VO, HAI

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/612,869

Applicant(s)

GRANATA ET AL.

Examiner

Hai Vo

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 14 and 16-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14, 16-21, 36 and 41-43 is/are allowed.
- 6) ☒ Claim(s) 22-27, 29-35 and 37-40 is/are rejected.
- 7) ☒ Claim(s) 28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. The specification objections are withdrawn in view of the present arguments (see pages 7-8 of the amendment filed on 02/07/2005).
2. The 112 claim rejections are withdrawn in view of the present amendment.
3. The art rejections over Sommer are withdrawn in view of the present amendment. However, upon further consideration, a new ground of rejection is made in view of Sommer (US 5,544,912), Peube et al (US 5,655,367) and Kent (US 6,080,493).
4. The art rejections over Stein et al (US 5,403,645) are withdrawn in view of the present amendment. However, upon further consideration, a new ground of rejection is made in view of Stein et al (US 5,403,645) in view of GB 1 244 487.
5. The indicated allowability of claims 23, 25-27, 30-34, 37 and 39 is withdrawn in view of the new grounds of rejections as listed above.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 29, 35, 39 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Sommer (US 5,544,912) as evidenced by Peube et al (US 5,655,367). Sommer teaches a supplemental inflation restraint and door arrangement comprising a polyvinyl chloride skin 38, a foam layer 50, a foam border material 48 and a door 34 (figure 2). The foam border layer 48 is from an

aluminum mesh which is inherently porous (column 2, lines 20-23). Likewise, it is clearly apparent that the foam border layer is impregnable. The foam layer 50 corresponds to Applicants' non-impregnable layer while the foam border layer corresponds to Applicants' impregnable layer. The skin layer 38 is bonded to the base 34 and the foam layer 48 (figure 2). A portion of the door 34 is adjacent to the sides of the foam border material (figures 2-5). Sommer does not teach the aluminum foam mesh being a reticulated material. Peube evidences that the reticulated material is in the form of a metal mesh (column 4, lines 27-30). Accordingly, it is the examiner's position that Sommer anticipates the claimed subject matter.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sommer (US 5,544,912) as evidenced by Peube et al (US 5,655,367) as applied to claim 29 above, further in view of Kent (US 6,080,493). Sommer discloses the reticulated aluminum foam. Sommer does not disclose the pore size of the reticulated aluminum foam. Ken discloses the reticulated aluminum foam commercially available with pore size from 10 to 100 pores per inch. Since the foam density is dictated by the pore size, it is the examiner's position that the

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foam density would be inherently present within the claimed range. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the reticulated aluminum foam having the pore size as taught by Kent because of its readily availability in the market.

10. Claims 22-27, 29-34, and 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stein et al (US 5,403,645) in view of GB 1 244 487. Stein teaches an interior trim component for a motor vehicle comprising a rigid backing 20, an impregnable vinyl skin 10 with various apertures 32, a non-impregnable soft foam 14 and a vinyl cover of cloth 12 (figure 12). The vinyl skin 10 is a foam material (column 2, lines 13-15). A portion of the rigid backing 20 is present through the impregnable vinyl skin 10 (column 2, lines 30-38). A portion of the rigid substrate 20 is adjacent to the sides of the impregnable layer 10 (figure 2). Stein does not teach or suggest that the foam vinyl skin 10 is a reticulated foam material. GB 1 244 487 teaches a floor covering having a surface sheet made from a reticulated polyvinyl chloride foam having a compacted pile-like surface and a pleasant resilient feel to the structure (page 1, column 48-50, example 1). GB'487 discloses the reticulated foam polyvinyl chloride having a density of 2 lb/ft<sup>3</sup> and 20 pores per inch within the claimed range. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the polyvinyl chloride foam of Stein with the density and pore size as taught by GB'487 motivated by the desire to provide a pleasant resilient feel to the door trim.

Stein does not specifically disclose the shore A hardness of the interior trim component. However, the combined teachings of Stein and GB'487 arrives at the panel having a recited structure. It seems from the claim, if one meets the structure recited, the properties must be met or Applicant's claim is incomplete. Therefore, it is the examiner's position that the Shore A hardness would be inherently present.

***Allowable Subject Matter***

11. Claims 14, 16-21, 36, and 41-43 are allowed. Sommer does not teach a supplemental inflation restraint and door arrangement wherein a portion of the door substrate extends into the foam border as required by the claims. Stein does not teach an interior trim component for a motor vehicle wherein the cover skin is bonded to at least a portion of the non-impregnable layer of the pad and a portion of the substrate. None of the prior art discloses or suggests an automobile interior molded panel wherein a cover skin is bonded to at least a portion of the non-impregnable layer and a portion of the substrate; wherein at least a portion of the rigid substrate is present throughout the impregnable layer; and wherein at least a portion of the rigid substrate is adjacent to the sides of the impregnable layer.
12. Claim 28 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Stein does not teach an interior

trim component for a motor vehicle wherein the cover skin is bonded to at least a portion of the non-impregnable layer of the pad and a portion of the substrate.

***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Vo whose telephone number is (571) 272-1485. The examiner can normally be reached on M,T,Th, F, 7:00-4:30 and on alternating Wednesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HV

Hai Vo  
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